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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,851	12/27/1999	ALAN J. FRAZIER	16295.402	1541
7590	05/26/2004		EXAMINER	
BAKER & BOTTS LLP ONE SHELL PLAZA 910 LOUISIANA HOUSTON, TX 770024995			WANG, ALBERT C	
			ART UNIT	PAPER NUMBER
			2115	
DATE MAILED: 05/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

P2c

Office Action Summary	Application No.	Applicant(s)
	09/473,851	FRAZIER, ALAN J.
	Examiner	Art Unit
	Albert Wang	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 20-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 20-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to Amendment A filed March 8, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole et al., U.S. Patent No. 6,345,294 ("O'Toole") in view of Traveling Software, "LapLink Professional User's Guide", 1998 (hereinafter "TS")

As per claim 1, O'Toole teaches a method for configuring the software of a headless server computer of a computer network (Col. 1, lines 19-28, configuring networking appliance or server that does not have a monitor), comprising the steps of:

coupling a communications link between the server computer and a configuration computer (Col. 2, lines 36-40, attaching a cable between the appliance and a computer such as a laptop).

However, O'Toole does not expressly teach the communications link is coupled at a USB port of each of the server computer and the configuration computer. TS teaches such a coupling between USB ports (Page 40, "Attach ... a LapLink USB cable to a USB port ... on each computer). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply TS's USB link to O'Toole's method. A motivation for doing so would have been to take advantage of the speed and convenience of a USB link. TS further teaches:

establishing data communication between the server computer and the configuration computer through the communication link and the USB ports of the server computer and configuration computer (Page 40, “Autoconnect ... connects the computers automatically when you start LapLink”); and

communicating data between the server computer and the configuration computer (Pages 68-89, Sharing clipboard information with remote computers).

As per claims 7 and 8, TS teaches the configuration computer as a portable or palmtop computer (Page 8, connecting to office computer when you’re on the road).

As per claim 21, since O’Toole/TS teaches the method of claim 1, the combination teaches the claimed method.

3. Claims 2-6 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O’Toole/TS as applied to claims 1 and 21 above, and further in view of Sartore et al., U.S. Patent No. 6,493,770 (“Sartore”).

As per claim 2, O’Toole/TS as applied to claim 1 does not expressly teach the details of bus enumeration. Sartore teaches steps of transmitting from the configuration computer to the server computer a query concerning the identity of the server computer; and receiving from the server computer data indicative of the identity of the server computer (Claim 13). At the time of the invention it would have been obvious to one of ordinary skill in the art to apply Sartore’s

details to O'Toole/TS's method. A motivation for doing so would have been to ensure the integrity of the method.

As per claim 3, Sartore teaches determining at the configuration computer whether the server computer is a USB-compliant device (Col. 7, lines 63-66, "recognized ... as a generic device" during first enumeration process).

As per claims 4-6, Sartore teaches performing a configuration routine at the configuration computer on the basis of the identity of the server computer (Col. 6, lines 3-9, "based on the identification code ... appropriate software driver is loaded into the memory of the host computer"; Fig. 2, arrow 80).

As per claims 22-26, since O'Toole/TS/Sartore teaches the steps of claims 1-6, the combination teaches the claimed method.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 24, 2004

Dennis M. Butler
Dennis M. Butler
Primary Examiner